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1 reads on every element of the rejected claim will the claimed invention be
2 anticipated under this test.

3 With this in mind, the Applicant analyzes the §102 rejection of the claims in
4 the present application. First, a brief summary of the present application and of the
5 RapidInstall reference is provided.

6 The present application is related to command line environments. In
7 particular, the application is directed towards a mechanism that allows commands
8 entered on a command line the ability to execute in a first execution mode or an
9 alternate execution mode, where *the alternate execution mode is provided by the*
10 *operating environment and provides extended functionality to the command.* Page 1,
11 line 22 to page 2, line 2. The operating environment corresponds to an
12 administrative tool environment which provides the command line. Thus, the
13 commands themselves do not have to include additional code to perform the
14 alternate execution mode.

15 The RapidInstall reference discloses a program that is executed via a
16 command line that creates a compressed, self-contained, and self-extracting
17 executable file called a RapidInstall Package (RIP). The RapidInstall program (i.e.,
18 command) captures changes that occur on a personal computer when another
19 application is installed or when configurations are changed. These changes are
20 captured into a RIP. The RIP can then be run on client personal computers to make
21 installation easier and faster. The RapidInstall program supports built-in variables,
22 environment variables, input variables and query variables. In addition, the
23 RapidInstall program supports an "-si" on the command line to simulate the install
24 and determine what potential problems may occur before actually installing the RIP.
25

1 Page 1. In other words, the RapidInstall program has code to handle all of these
2 features.

3 Based on the foregoing, each of the rejections is traversed below.

4
5 **Independent Claim 1 and its dependent claims, Claims 2-3, 6, and 8**

6 Independent Claim 1 includes elements not disclosed by the RapidInstall
7 reference. To further clarify, the operating environment recited in Claim 1 was
8 amended to recite “the command line operating environment”. For convenience,
9 Claim 1 is reproduced below with portions in bold to better emphasize the elements
10 that are not disclosed by the RapidInstall reference. The bold portion(s) will be
11 individually discussed following the reproduced claim.

12
13 1. In a command line operating environment, a computer-executable
14 method comprising:

15 executing each command on a command line in a first
16 execution mode or in an alternate execution mode, wherein
17 executing the command in the alternate execution mode occurs when
18 the command includes an instruction to execute in the alternate
19 execution mode, **the alternate execution mode being provided by**
20 **the command line operating environment.**

21 As shown above, in order to clarify the claimed invention, amended
22 independent Claim 1 recites **“the alternate execution mode being provided by the**
23 **command line operating environment.”** In contrast, the RapidInstall reference
24 discloses a program (i.e., RapidInstall program) that can be executed from a
25 command line with various command line switches (e.g., “-r”, “-cu). However,
importantly, the RapidInstall program itself incorporates the code that handles these
switches and functionality. In contrast, Claim 1 recites that “the alternate execution

1 mode” is “provided by the command line operating environment.” Thus, the
2 RapidInstall reference discloses a traditional command line environment where
3 commands incorporate all the desired functionality and the command line
4 environment provides a command line for entry of the commands and switches.
5 Thus, in contrast to the Examiner’s contention that the operating environment is
6 disclosed in the RapidInstall reference by the RapidInstall environment, the
7 Applicant contends that the RapidInstall environment is not the command line
8 operating environment and therefore, can not possibly disclose the claimed element.

9 Thus, given that the exclusion of just one of these claimed elements from
10 the RapidInstall reference is enough to negate anticipation by that reference for
11 independent Claim 1, the Applicant respectfully submits that, for at least the
12 reasons above, the §102 rejection of independent Claim 1 and its dependent Claims
13 2-3, 6, and 8 is improper, and respectfully requests reconsideration and withdrawal
14 of this rejection.

15 In addition, the dependent claims of Claim 1 (e.g., Claims 2-3, 6, and 8)
16 include other elements that are also not disclosed by the RapidInstall reference.
17 For example, amended Claim 8 recites “wherein the instruction comprises a call to
18 a method provided by the command line operating environment.” As presented in
19 the Office Action, the Examiner contends that the instruction is a call to a method
20 provided by the RapidInstall environment, which is not the command line
21 operating environment. Therefore, the Applicant respectfully submits that the
22 §102 rejections of Claims 2-3, 6, and 8 is improper, and respectfully requests
23 reconsideration and withdrawal of this rejection.
24
25

1 **Independent Claim 9 and its dependent claims, Claims 10 and 12**

2 Independent Claim 9 includes elements that are not disclosed by the
3 RapidInstall reference. To further clarify, Claim 9 was amended to recite “a
4 command line operating environment” that receives the command line operative,
5 determines if a parameter is present, simulates the performance, and reports the
6 results. For convenience, amended Claim 9 is reproduced below with portions in
7 bold to better emphasize the elements that are not disclosed by the RapidInstall
8 reference. Each of the bold portions will be individually discussed following the
9 reproduced claim.

10
11 9. At least one computer-readable medium having computer-executable instructions for performing a method, comprising:

12 **receiving a command line operative by a command line**
13 **operating environment that directs the performance of a task,**

14 **determining by the command line operating environment**
15 **if a parameter is present on the command line that is associated**
16 **with a simulation mode;**

17 **if the parameter is present, simulating the performance of**
18 **the task by the command line operating environment; and**

19 **reporting the results of the simulation by the command**
20 **line operating environment.**

21 As shown above, amended independent Claim 9 recites “**receiving a**
22 **command line operative by a command line operating environment.**” In
23 contrast, the RapidInstall reference discloses a program (i.e., RapidInstall program)
24 that can be executed from a command line with various command line switches (e.g.,
25 “-r”, “-cu). The RapidInstall program then receives the various command line
switches, interprets them, and performs processing based on the various command
switches. As explained above, the RapidInstall program itself incorporates the code

1 that handles these switches and functionality. Thus, the RapidInstall reference
2 discloses a traditional command line environment where commands incorporate all
3 the desired functionality and the command line environment provides a command
4 line for entry of the commands and switches. In contrast, Claim 9 recites “receiving
5 a command line operative **by a command line operating environment**”,
6 “determining **by the command line operating environment** if a parameter is
7 present on the command line”, “simulating the performance of the task **by the**
8 **command line operating environment**”, and “reporting the results of the
9 simulation **by the command line operating environment.**” Thus, in contrast to
10 the Examiner’s contention that the operating environment is disclosed in the
11 RapidInstall reference by the RapidInstall environment, the Applicant contends that
12 the RapidInstall environment is not the command line operating environment and
13 therefore, can not possibly disclose the claimed elements.

14 Thus, given that the exclusion of just one of these claimed elements from
15 the RapidInstall reference is enough to negate anticipation by that reference for
16 independent Claim 9, the Applicant respectfully submits that, for at least the
17 reasons above, the §102 rejection of independent Claim 9 and its dependent Claims
18 10 and 12 is improper, and respectfully requests reconsideration and withdrawal of
19 this rejection.

20 In addition, the dependent claims of Claim 9 (e.g., Claim 10 and 12)
21 include other elements that are also not disclosed by the RapidInstall reference.
22 Therefore, the Applicant respectfully submits that the §102 rejections of Claims 10
23 and 12 is improper, and respectfully requests reconsideration and withdrawal of
24 this rejection.
25

1 **Independent Claim 16 and its dependent claims, Claims 17-18**

2 Independent Claim 16 includes several elements that are not disclosed by the
3 RapidInstall reference. To further clarify, the operating environment recited in
4 Claim 16 was amended to recite "the command line operating environment". For
5 convenience, Claim 16 is reproduced below with portions in bold to better emphasize
6 the elements that are not disclosed by the RapidInstall reference. Each of the bold
7 portions will be individually discussed following the reproduced claim.

8
9 16. A system that provides a command line operating
environment, the system comprising:

10 a processor; and

11 a memory, the memory being allocated for a plurality of computer-
executable instructions which are loaded into the memory for execution by
12 the processor, the computer-executable instructions performing a method
comprising:

13 executing each command entered on a command line,
14 wherein if the command includes an instruction to execute the
command **using extended functionality provided by the**
15 **command line operating environment**, executing the command
using the extended functionality.

16
17 As shown above, amended independent Claim 16 recites "**using extended**
18 **functionality provided by the command line operating environment.**" In
19 contrast, the RapidInstall reference discloses a program (i.e., RapidInstall program)
20 that can be executed from a command line with various command line switches (e.g.,
21 "-r", "-cu). The RapidInstall program then receives the various command line
22 switches, interprets them, and performs processing based on the various command
23 switches. As explained above, the RapidInstall program itself incorporates the code
24 that handles these switches and functionality. Thus, the RapidInstall reference
25 discloses a traditional command line environment where commands incorporate all

1 the desired functionality and the command line environment provides a command
2 line for entry of the commands and switches. In contrast, Claim 16 recites “using
3 extended functionality provided by the command line operating environment”.
4 Thus, in contrast to the Examiner’s contention that the operating environment is
5 disclosed in the RapidInstall reference by the RapidInstall environment, the
6 Applicant contends that the RapidInstall environment is not the command line
7 operating environment and therefore, can not possibly disclose the claimed elements.

8 Thus, given that the exclusion of just one of these claimed elements from
9 the RapidInstall reference is enough to negate anticipation by that reference for
10 independent Claim 16, the Applicant respectfully submits that, for at least the
11 reasons above, the §102 rejection of independent Claim 16 and its dependent
12 Claims 17-18 is improper, and respectfully requests reconsideration and withdrawal
13 of this rejection.

14 In addition, the dependent claims of Claim 16 (e.g., Claims 17-18) include
15 other elements that are also not disclosed by the RapidInstall reference. Therefore,
16 the Applicant respectfully submits that the §102 rejections of Claims 17-18 is
17 improper, and respectfully requests reconsideration and withdrawal of this
18 rejection.

19 20 **35 U.S.C. §103 Claim Rejections**

21 Claims 7 and 11 were alternatively rejected under 35 U.S.C. §103(a) as
22 obvious over the RapidInstall reference. Claims 4, 5, 13-15, 19, and 20 were
23 rejected under 35 U.S.C. §103(a) as being unpatentable over the RapidInstall
24 reference. The Applicant respectfully disagrees with this rejection for various
25 reasons. One of the reasons is, as discussed above, the RapidInstall reference fails

1 to disclose, teach or suggest several of the elements as discussed above. While the
2 Applicant agrees with the Examiner that the RapidInstall reference is silent on the
3 additional elements recited in these dependent claims, the Applicant contends that
4 the Examiner is impermissibly applying hindsight reasoning using the Applicant's
5 application to show obviousness. In fact, the Examiner fails to cite another
6 reference to combine with the RapidInstall reference and instead takes Official
7 Notice and contends that "it would have been obvious to a person of ordinary skill
8 in the art."

9 Because the Applicant is required to seasonably challenge statements by the
10 Examiner that are not supported on the record, and failure to do so will be
11 construed as an admission by Applicant that the statement is true (M.P.E.P.
12 §2144.03), the Examiner is hereby requested to cite a reference or to cite
13 references in support of the recited elements. If the Examiner is unable to provide
14 such a reference, and is relying on facts based on personal knowledge, Applicant
15 hereby requests that such facts be set forth in an affidavit from the Examiner under
16 37 C.F.R. 1.104(d)(2). Absent substantiation by the Examiner, it is respectfully
17 requested that the rejection under 35 U.S.C. § 103 be withdrawn.

18 Thus, the Applicant contends that the RapidInstall reference, whether
19 considered alone or with any permissible combination with the prior art of record,
20 do not teach or suggest each element recited in Claims 4, 5, 7, 11, 13-15, 19, and
21 20. Therefore, the Applicant respectfully submits that the §103 rejections of
22 Claims 4, 5, 7, 11, 13-15, 19, and 20 is improper, and respectfully requests
23 reconsideration and withdrawal of this rejection.
24
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Conclusion

By the foregoing remarks, the Applicant believes that pending claims 1-20 are allowable and the application is in condition for allowance. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number provided below.

Respectfully Submitted,

Dated: May 5, 2006

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